

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

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CASSANDRA A. BIES, *as Administrator of the Estate*  
*of Cory Bies*, deceased, and CASSANDRA A. BIES,  
*Individually*,

Plaintiffs,

-against-

**ORDER**  
17-CV-3354 (JMA) (ARL)

COUNTY OF NASSAU,<sup>1</sup>

Defendant.

\_\_\_\_\_  
**AZRACK, United States District Judge:**

Plaintiff Cassandra A. Bies, as administrator of the estate of her son, Cory Bies, and in her individual capacity (“Plaintiff”), commenced this action on June 5, 2017 against defendants the County of Nassau and the Nassau County Probation Department (collectively “Defendants”). (ECF No. 1.) On July 26, 2018, Defendants moved for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). (ECF No. 17.) On November 2, 2018, I referred Defendants’ motion for judgment on the pleadings to Magistrate Judge Arlene R. Lindsay for a Report and Recommendation (“R&R”).

On February 26, 2019, Judge Lindsay issued an R&R recommending that Defendants’ motion for judgment on the pleadings be granted and that Plaintiff be granted leave to amend her complaint. (ECF No. 19.) On March 10, 2019, Plaintiff filed objections to Judge Lindsay’s R&R. (ECF Nos. 20, 21.) Having conducted a review of the full record and the applicable law, I adopt Judge Lindsay’s R&R in its entirety.

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<sup>1</sup> The parties agree that the County of Nassau Probation Department is not a suable entity and should be dismissed from the action. The case caption has been amended accordingly.

In reviewing a magistrate judge's R&R, the Court must "make a de novo determination of those portions of the report or . . . recommendations to which objection[s][are] made." 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05-CV-5579, 2006 WL 3851152, at \*2 (S.D.N.Y. Dec. 29, 2006). The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Those portions of a R&R to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

I have undertaken a de novo review of the record, the R&R, and the instant objections, and I agree with Judge Lindsay's R&R and adopt it as the opinion of this Court. Accordingly, the Court grants Defendants' motion for judgment on the pleadings and grants Plaintiff leave to amend her complaint. Plaintiff's amended complaint shall be filed within thirty (30) days from the date of this Order.

**SO ORDERED.**

Dated: March 20, 2019  
Central Islip, New York

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/s/ (JMA)  
JOAN M. AZRACK  
UNITED STATES DISTRICT JUDGE